



MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire City staff, does it.

REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet the first four Tuesdays of each month in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

5:30 p.m. session [Order of business]

- | | |
|--|---|
| <ul style="list-style-type: none"> Invocation and Pledge of Allegiance Presentations Summary of Current Events Liquor license applications Consent Agenda | <ul style="list-style-type: none"> Call to the Audience. Individuals may speak up to three minutes. Call to the Audience will be limited to thirty minutes. Speakers may address any matter except items noticed as a Public Hearing. Public Hearings. Individuals may speak up to five minutes. Each public hearing is limited to one hour. Other Mayor and Council business as listed on the agenda for the meeting. |
|--|---|

Copies of the agenda are available during the meeting. Additionally, the agenda, as well as reference documents, are available in the City Clerk's office prior to each meeting and on the City's web site : www.tucsonaz.gov/agdocs

Ordinances and resolutions (the laws of Tucson) are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

To better serve everyone in the community, the Mayor and Council chambers is wheelchair accessible. An assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office at least two working days prior to the meeting and can be made by calling 791-4213 or 791-2639 (TDD).

PARTICIPATION BY THE PUBLIC

As a courtesy to others, please turn off or put in vibrate mode all pagers and cell phones.

To address the Mayor and Council:

- Complete a speaker's card and deposit it in the tray on the podium. Upon being recognized, state your name and address before proceeding.
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700 or write the City's Web Site, www.tucsonaz.gov/agdocs. Your comments will be transcribed and distributed to the Mayor and Council.

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. A copy of the complete rules and regulations may be obtained from the City Clerk.

Robert E. Walkup – Mayor
Kathleen Dunbar – Vice Mayor

Council Members

José J. Ibarra	Ward 1	Shirley C. Scott	Ward 4
Carol W. West	Ward 2	Steve Leal	Ward 5
Kathleen Dunbar	Ward 3	Fred Ronstadt	Ward 6

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TDD: 791-2639), FAX: 791-4017 or WEB SITE: www.tucsonaz.gov/agdocs, 9th floor, City Hall, 255 W. Alameda for up-to-date information Monday through Friday, 8:00 a.m. to 5:00 p.m. [holidays excepted]. Live coverage of the meeting is cablecast on Tucson 12. In addition, replays of the meetings are cablecast on Tucson 12 as follows:
 Wednesdays – 9:00 p.m. Thursdays – 9:00 a.m. Sundays – 9:00 a.m.
 VHS tapes of meetings are available at the Tucson Main Library, 101 N. Stone.



MAYOR & COUNCIL MEETING NOTICE & AGENDA

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Mayor and Council and to the general public that the Mayor and Council will hold the following meeting which will be open to the public:

REGULAR MEETING

**TUESDAY, APRIL 5, 2005 – 5:30 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)**

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Captain Dave Kauffman, The Salvation Army

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS

- a. Proclaiming April 2005 to be Sexual Assault Awareness Month
- b. Proclaiming April 2005 to be Fair Housing Month

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager APRIL5-05-161 CITY-WIDE

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager APRIL5-05-162 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

a. Report from City Manager APRIL05-05-160 CITY-WIDE

b. Liquor License Applications

New License

1. Los Molinitos, Ward 2
2323 N. Pantano Road
Applicant: Wayne Lee Hallquist
Series 12, City 13-05
Action must be taken by: April 10, 2005

Staff has indicated the applicant is in compliance with city requirements.

2. Elle A Wine Country Restaurant, Ward 6
3048 E. Broadway
Applicant: Jeffrey Fulo
Series 12, City 14-05
Action must be taken by: April 10, 2005

Staff has indicated the applicant is in compliance with city requirements.

3. Casa Vicente, Ward 6
375 S. Stone Avenue
Applicant: Vicente Sanchez-Martinez
Series 12, City 15-05
Action must be taken by: April 14, 2005

Staff has indicated the applicant is in compliance with city requirements.

PUBLIC OPINION: PROTEST FILED

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

c. Special Event

1. Tucson International Mariachi Conference, Ward 6
900 S. Randolph Way
Applicant: Alfonso Dancil
City T06-05
Date of Event: April 23, 2005
Raise Funds for La Frontera

Staff has indicated the applicant is in compliance with city requirements.

2. Vernacular Architecture Forum, Ward 6
949 E. 2nd Street
Applicant: Brooks Jeffery
City T12-05
Date of Event: April 13, 2005
Opening Reception for Conference

Staff has indicated the applicant is in compliance with city requirements.

3. Vernacular Architecture Forum, Ward 1
140 N. Main
Applicant: Brooks Jeffery
City T13-05
Date of Event: April 16, 2005
Closing Event for Conference

Staff has indicated the applicant is in compliance with city requirements.

4. Comité de Festividades Mexicanas, Ward 1
3700 S. La Cholla
Applicant: Mercedes Guerrero
City T15-05
Date of Event: May 7-8, 2005
To Celebrate Cinco de Mayo

Staff has indicated the applicant is in compliance with city requirements.

5. Friends of St. Michael's, Ward 2
602 N. Wilmot Road
Applicant: Mark Huntzinger
City T16-05
Date of Event: April 16, 2005
Annual Fundraiser

Staff has indicated the applicant is in compliance with city requirements.

6. Tucson Jewish Community Center, Ward 2
3800 E. River Road
Applicant: Lee Ann Sanford
City T17-05
Date of Event: April 17, 2005
Entertainment/Education

Staff has indicated the applicant is in compliance with city requirements.

7. Artsake Foundation, Ward 6
Congress/Aviation/6th Avenue/5th Avenue
City T22-05
Applicant: Jeb Bley Schoonover
Date of Event: April 16, 2005
Fundraiser

Staff has indicated the applicant is in compliance with city requirements.

8. Fiesta De La Familia (50th Annual), Ward 5
1220 S. 6th Avenue
City T24-05
Applicant: Rebecca Marie Lujan
Date of Event: April 30 – May 1, 2005
Church Fundraiser

Staff has indicated the applicant is in compliance with city requirements.

9. Native Seeds/Search, Ward 6
516 N. 5th Avenue
City T25-05
Applicant: Diana L. Peel
Date of Event: April 8, 2005
Fundraiser Dinner

Staff has indicated the applicant is in compliance with city requirements.

10. Southern Arizona Blues Heritage Foundation, Ward 6
900 S. Randolph Way
City T26-05
Applicant: Mark Oliver
Date of Event: April 9, 2005
Raise Money While Having a Music Festival

Staff has indicated the applicant is in compliance with city requirements.

11. Pima County Interfaith Council, Ward 4
1800 S. Kolb Road
City T31-05
Applicant: Raymond Rodriguez
Date of Event: April 15, 2005
Fifteenth Anniversary Celebration

Staff has indicated the applicant is in compliance with city requirements.

6. CONSENT AGENDA – ITEMS A THROUGH I

FOR COMPLETE DESCRIPTION OF ITEMS **SEE ATTACHED CONSENT AGENDA**

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent Agenda and will be considered separately.

7. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on any issue except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Speakers must state their name, address, whether they reside in the City of Tucson, whom they represent, and the subject matter. Any person who is representing a person other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a “retained speaker”. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience".

8. PUBLIC HEARING: ZONING (C9-02-12) OCHOA – ST. MARY’S ROAD R-2 TO O-2, REACTIVATION AND TIME EXTENSION

- a. Report from City Manager APRIL5-05-170 WARD 1
- b. Hearing: on a request to reactivate the rezoning case, and approval of a request for a time extension for the completion of the rezoning conditions for the property located at the northeast corner of St. Mary’s Road and Westmoreland Avenue. Applicant: Marc Ochoa. The preliminary development plan is for the conversion of an existing 1,200 square foot, single story, multi-family residential structure on 0.17 acres into an office use.

On August 2, 2004, Mayor and Council voted 7 to 0 to reactivate the case and approve a time extension September 16, 2003 to January 26, 2005 subject to the requirement that further time extensions shall require a public hearing.

On January 26, 2005, the rezoning case expired for a second time.

Because the rezoning case has expired it must be reactivated prior to any action.

The City Manager recommends the Mayor and Council reactivate the case and approve a time extension from January 26, 2005, to January 26, 2006, subject to compliance with the following conditions:

1. A development plan in substantial compliance with the preliminary development plan dated June 7, 2002, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. Renovations and/or repairs to the existing structure shall be limited to one-story and designed to be compatible with the existing residential character of the neighborhood. Elevations indicating colors of all existing and proposed structures shall be submitted at the time of development plan review.
3. Outdoor lighting shall be full cutoff. All outdoor lighting in the parking lot area shall be located below the height of the screen walls.
4. If a commercial dumpster is used, it shall be located a minimum of fifty (50) feet away from residentially zoned or developed property and screened from view from adjacent residential development and public rights-of-way. If residential dumpsters are used, a screened storage area shall be identified on the development plan.

5. A six foot high masonry wall shall be located on the north property boundary with twenty-four (24) inch box canopy trees planted south of the wall a maximum of twenty-five (25) feet apart.
6. A thirty (30) inch high masonry wall shall be installed on the west side of the site along the entire length of the Westmoreland Avenue street frontage, except at vehicular or pedestrian entrances.
7. Vertical curbing shall be installed the length of the property along Westmoreland Avenue to replace the existing wedge curb.
8. Vehicles shall not park in the right-of-way area between the curb and the property line along Westmoreland Avenue.
9. A traffic directional sign shall be installed and maintained at the exit point onto Westmoreland Avenue, directing traffic to proceed south to St. Mary's Road.
10. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials.
11. Any continuous wall greater than 75 feet in length and 3 feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
12. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
13. "Safe by Design" concepts shall be incorporated in the development plan for review by the Tucson Police Department.

14. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
15. Dedication, or verification of the existence of right-of-way as provided on the *Major Streets and Routes Plan* map, along St. Mary's Road frontage of the site and dedication of a twenty-five (25) foot radius spandrel at the southwest corner of the site.
16. Any unused curb cuts shall be closed.
17. Any existing damaged sidewalk shall be removed and replaced.
18. A drainage report shall be prepared and approved, including detention analysis.
19. Water harvesting techniques will be employed to the maximum extent reasonably possible.
20. Barrier-free access routes shall be designed so that they are free of flooding during the ten-year frequency flood event.
21. The drainage report shall address conformance with FEMA requirements for finished floor elevation and utility installations.
22. Compliance with all Code requirements and conditions of rezoning by January 26, ~~2005~~ 2006. Further time extensions beyond January 26, ~~2005~~ 2006, shall require a public hearing before the Mayor and Council.

One (1) written approval and one (1) written protest have been received for this rezoning request. None of the protests lie within the 150-foot protest area resulting in a zero (0) percent protest in all four directions.

A simple majority vote will be necessary to reactivate the case and approve a time extension.

9. ZONING: (C9-04-21) WESTERN FINANCIAL – CRAYCROFT ROAD, R-2 TO O-1, CITY MANAGER’S REPORT

- a. Report from City Manager APRIL5-05-171 WARD 6
- b. Report from Zoning Examiner dated March 18, 2005
- c. Request to rezone approximately 0.29 acres from R-2 (Medium Density Residential) to O-1 (Residentially Scaled Office) zoning. Applicant: Bill Twitty of Western Financial Partners, LLC.

The rezoning site is located on the northeast corner of Craycroft Road and Lester Street. The preliminary development plan proposes demolition of the existing single-family residence and construction of a one-story 2,200 square foot office.

Planning Considerations: The proposed office use is supported by the pertinent policies of *Arcadia-Alamo Area Plan*. Subject to compliance with the attached preliminary conditions and compliance with all *Land Use Code* regulations, authorization of the requested O-1 zoning is appropriate.

The Zoning Examiner recommends approval of the O-1 zoning. The City Manager recommends approval of the O-1 zoning subject to the following conditions:

1. A development plan in substantial compliance with the preliminary development plan dated February 2, 2005, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. The owner/developer shall dedicate right-of-way as shown on the *Major Streets and Routes Plan*, for Craycroft Road to a line 60 feet from and parallel with the section line/centerline of Craycroft Road.
3. The owner/developer shall dedicate a 25-foot radius spandrel tangent to the new Craycroft Road right-of-way line described above and the north line of Lester Street.
4. The owner/developer shall design and construct six-foot wide sidewalk along the Craycroft Road street frontage.
5. All unused curb cuts along Craycroft Road shall be closed.
6. There shall be no access from the site to Lester Street.

7. Landscaping along street frontages shall be provided to screen parking areas and shall include a mix of canopy trees, understory shrubs, groundcover or a 30-inch-high-masonry wall.
8. Landscaping and a minimum 5-foot high masonry shall be constructed along the northern and eastern portion of the property which will not impede storm water runoff and shall include canopy trees located a minimum of every twenty-five (25) feet so as to form a continuous canopy.
9. Free standing signs shall be integrated into the final landscape plan design.
10. All exterior mechanical equipment shall be screened from view of adjacent development and street frontages, and shall be architecturally integrated into the overall design of buildings and development.
11. Locate loading areas a minimum of fifty (50) feet away from adjacent residentially zoned property and provide on landscape plan or development plan a detail of screening for loading zone.
12. All outdoor lighting shall be full cut-off and directed down and away from adjacent properties.
13. Elevation drawings to be submitted for review with the development plan. Building facades at rear and side are to be designed with attention to architectural character and detail comparable to the front facade, with consistent design treatment, including but not limited to, comparable color palette, signs, lighting, screen walls, rooflines, and materials.
14. To ensure compatibility with adjacent residential development, building architecture, site, and landscape design shall be submitted for review and comment by the Development Review Board (DRB) prior to submittal of the development plan. DRB review comments shall be included with the Community Design Review Committee (CDRC) submittal.
15. The Developer shall install 25 foot radius curb returns at the proposed access point on Craycroft Road.
16. The owner / developer shall connect all new development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Pima County Wastewater Management Department, as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.

17. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
18. Four (4) inch fence block shall not be used for perimeter walls.
19. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and/or associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
20. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
21. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
22. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
23. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

One (1) written approval and zero (0) written protests were received prior to the Zoning Examiner's public hearing on March 3, 2005.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

10. ZONING: (C9-04-08) MONTEREY HOMES – BONANZA AVENUE SR TO R-1, ORDINANCE ADOPTION

- a. Report from City Manager APRIL5-05-159 WARD 2
- b. Ordinance No. 10139 relating to zoning: amending zoning district boundaries in the area located on the east side of Bonanza Avenue at Kenyon Drive in case C9-04-08, Monterey Homes – Bonanza Avenue, SR to R-1; and setting an effective date.

A three-fourths majority vote will be necessary to adopt the ordinance.

11. CITY MAGISTRATES: APPOINTING A CITY MAGISTRATE

- a. Report from City Manager APRIL5-05-158 CITY-WIDE
- b. Ordinance No. 10138 relating to City Magistrates; appointing Gilda Terrazas as City Magistrate of the City of Tucson; fixing compensation and declaring an emergency.

12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager APRIL5-05-163 CITY-WIDE

13. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, April 12, 2005, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.